



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Honorable Rebeca Sosa
Vice Chair and District 6 Commissioner

FROM: Martha D. Perez, General Counsel
Commission on Ethics

SUBJECT: INQ 2020-114, Voting Conflict – Section 2-11.1(d)
Resolution approving a grant agreement with the School Board of Miami-Dade County, to provide funds from the Coronavirus Aid Relief and Economic Securities Act (CARES Act) for COVID-19 pandemic response expenses related to the reopening of schools

DATE: October 23, 2020

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: We have been advised that a Resolution of the Board of County Commissioners (BCC) approving a grant agreement with Miami-Dade County School Board, to provide an amount not to exceed \$15,000,000.00 in funds from the CARES Act for Coronavirus 2019/COVID-19 pandemic response expenses related to the reopening of schools in Miami-Dade County, and authorizing the Mayor to execute the Agreement to effectuate the purpose of this resolution, will be considered in at an upcoming meeting of the BCC.

The grant will enable the safe reopening of public schools in Miami-Dade County in response to the COVID-19 pandemic. Funding through the CARES Act allows the Board of County Commissioners to support families and ensure that various needs related to the safe reopening of schools are met, including services that will ensure that the schools safely remain open.

You inquire whether you would have a voting conflict of interest under Section 2-11.1(d) of the Miami-Dade Ethics Code, in voting or otherwise participating in the discussion of the item.

Discussion: You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center (LHTC) which is part of Miami-Dade County Public Schools (M-DCPS).

LHTC provides training to adult students in various career technical programs. The school also offers adult general education, which allows students to obtain their GED diploma. The post-secondary career technical education programs are offered in the areas of construction & apprenticeship, transportation, commercial foods & culinary arts, childcare, personal services and health occupations.

MDCPS is the fourth largest school district in the nation and employs over 40,000 persons.

In the past, the Commission on Ethics has opined that your employment with MDCPS does not create an automatic voting or participation conflict for you on BCC items affecting that government agency. The issue of a voting conflict on such matters is more narrowly described as whether you might, directly or indirectly, profit or be enhanced by the item in question. Our review of the proposed resolution finds that your position with the public schools as an adult education curriculum professional does not present any likelihood that you would, personally or professionally, be affected in any way by the item.

Opinion: Under the details provided herein concerning a Resolution of the Board of County Commissioners (BCC) approving a grant agreement with Miami-Dade County School Board, to provide an amount not to exceed \$15,000,000.00 in funds from the CARES Act for Coronavirus 2019/COVID-19 pandemic response expenses related to the reopening of schools in Miami-Dade County, and authorizing the Mayor to execute the Agreement to effectuate the purpose of this resolution, you are not prohibited from participating or voting on this item pursuant to Section 2-11.1(d) of the County Ethics Code.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.
